

RESOLUTION NO. 2016-24

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPORTING
THE MIAMI-DADE COUNTY LEAGUE OF CITIES
COMMITTEE'S CHANGES TO THE PROPOSED MIAMI-
DADE COUNTY MANDATORY WORKFORCE HOUSING
ORDINANCE; PROVIDING FOR TRANSMITTAL; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 4.15 of the Village Charter requires, in part, that certain text amendments to the zoning code or other land development regulations, which would result in an increase in residential density shall not become effective until approved by a majority vote of the electors voting on the amendment; and

WHEREAS, Section 30-73(g)(7) of the Village Code provides that “no site plan shall be approved which would permit any development which would result in an increase in residential density in excess of the density previously approved for the subject property by a valid development order;” and

WHEREAS, the Board of County Commissioners is considering the adoption of a mandatory workforce housing ordinance (the “County Ordinance”) which, if adopted, would apply within the incorporated and unincorporated areas of the County, and would allow certain developments to obtain a density bonus above and beyond the Village Code requirements; and

WHEREAS, the Village Council applauds the intent of the sponsoring commissioner and others in desiring to encourage the availability of workforce housing, but the Village Council has concerns with the County Ordinance’s proposed imposition of a mandatory workforce housing methodology within the Village, which may be inconsistent with and require changes to, the Village’s Charter, Comprehensive Plan, and Village Code; and

WHEREAS, a voluntary committee of the Miami-Dade County League of Cities (the “League Committee”) has been working with the County regarding proposed changes to the County Ordinance; and

WHEREAS, one of the League Committee’s proposed changes to the County Ordinance provides that it “shall not be construed to require a municipality: to violate its charter, code of ordinances, or comprehensive plan; to modify or amend its charter or comprehensive plan; or to modify or amend its land development regulations where such amendment would require a referendum;” and

WHEREAS, as such, the Village Council desires to support the League Committee’s proposed changes to the County Ordinance and requests that the League’s Board of Directors adopt the Committee’s proposal; and

WHEREAS, the Village Council hereby finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Support.** The Village Council hereby supports the League Committee’s proposed changes to the County Ordinance attached hereto as Exhibit “A” to this Resolution.

Section 3. **Transmittal.** The Village Clerk is hereby authorized to transmit this Resolution to the Miami-Dade County League of Cities.

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this 30th day of August, 2016.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


VILLAGE ATTORNEY



EXHIBIT "A"

Proposed Amendment to County's Workforce Housing Ordinance

Revise Section 33-193.7(A) to read as follows:

(A) *Countywide applicability and minimum standard.* Pursuant to Section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, each municipality, and the County in the unincorporated areas, shall, at a minimum, in the exercise of their respective zoning authority, address the need for workforce housing within their respective territorial jurisdictions in the following manner:

1. The requirements of the Workforce Housing Development Program set forth in this article shall be applicable in the unincorporated area of Miami-Dade County.
2. *Exception.* Due to space, financing, and population density, any municipality whose population is 10,000 or less according to the latest decennial census is not subject to the requirements of this section.
3. As to municipalities whose populations are greater than 10,000 according to the latest decennial census, each municipality shall adopt either: (i) the Workforce Housing Development Program set forth in this article; (ii) its own workforce housing development program reliant on its own legislative findings; or (iii) appropriate legislation making findings demonstrating that the need for workforce housing within its territorial jurisdiction is being adequately addressed or would be impractical to provide due to the lack of availability or high value of vacant land or redevelopment sites.
4. Each municipality that is subject to the requirements of this section shall have until April 30, 2017, within which to adopt appropriate legislation making findings as to the need for workforce housing within its territorial jurisdiction. Each municipality shall have until October 31, 2017, within which to adopt any ordinance necessary to address its need for workforce housing. A municipality that is incorporated after October 15, 2016, shall have 12 months from the date of incorporation within which to comply with the requirements of this section. A municipality whose population is determined to exceed 10,000 by the next decennial census shall have 12 months from the publication of the census within which to comply with the requirements of this section. Within 15 days of adoption, each municipality shall send a copy of any legislation required by this section to the Director of the County's Department of Regulatory and Economic Resources.
5. The County shall defer to all legislative findings in any municipality's legislation addressing workforce housing, including without limitation its determination of the amount of workforce housing presently available and whether it is deficient, the need for future workforce housing if any, the availability and value of land, the manner in which municipalities may address the need for workforce housing, and whether providing workforce housing is impractical due to the lack of availability or high value of vacant land or redevelopment sites. The County shall also defer to a municipality's legal interpretations in the adoption and implementation of its own workforce housing legislation.

6. This section shall not be construed to require a municipality: to violate its charter, code of ordinances, or comprehensive plan; to modify or amend its charter or comprehensive plan; or to modify or amend its land development regulations where such amendment would require a referendum.
7. Any municipality that is otherwise exempt from the requirements of this section may choose to adopt a workforce housing development program at any time by adopting an ordinance in accordance with Section 166.041(3)(c) that creates standards and criteria for the land use designations and zoning districts applicable to its jurisdiction.
8. The site plan approval and other administrative processes described herein are intended to apply only to the County's zoning jurisdiction over the unincorporated area. Municipalities shall either establish their own procedures or utilize their existing procedures. Municipalities shall also establish their own procedures for administering any required declarations of restrictive covenants or workforce housing agreements or may, through an interlocal agreement, arrange for them to be administered by the Miami-Dade County Public Housing and Community Development Department or successor department, pursuant to Chapter 17, Article IX of this code.
9. The County shall make the staff resources of its Department of Regulation and Economic Resources available upon request to assist municipalities in gathering and analyzing data, and adopting municipal workforce housing ordinances, but may charge a reasonable fee as set forth in an implementing order adopted by the Board of County Commissioners.